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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 MYMEDICALRECORDS, INC.,  
12 Plaintiff,  
13 v.  
14 WEBMD HEALTH CORP. and WEBMD  
15 HEALTH SERVS. GRP., INC.,  
16 Defendants.

Case No. 2:13-cv-07285-ODW(ASx)

**ORDER COORDINATING  
RELATED CASES FOR CLAIM  
CONSTRUCTION**

17 The Court intends to consolidate all of the *MyMedicalRecords* actions pending  
18 before this Court for claim-construction purposes only. This Order applies to, and  
19 shall be filed in, all of the cases listed below (the “*My Medical Records* Cases”),  
20 which were filed by Plaintiff MyMedicalRecords and include claims for infringement  
21 of United States patents 8,301,466 and 8,498,883.

22 **I. Relation and Coordination of Cases**

23 The *MyMedicalRecords* Cases are deemed related within the meaning of  
24 General Order 08-05 section 5 and Local Rule 83-1.3 because they will call for  
25 determination of the same and substantially similar questions of law or fact, will entail  
26 substantial duplication of labor if heard by different judges, and involve the same  
27 patents. The *MyMedicalRecords* Cases are coordinated for claim-construction  
28 purposes under Federal Rule of Civil Procedure 42.

1 This Order does not constitute a determination that these actions should be  
2 consolidated for trial, nor does it have the effect of making any entity a party to an  
3 action in which it has not been joined and served in accordance with the Federal Rules  
4 of Civil Procedure. The Court will only join Defendants for trial if such consolidation  
5 will facilitate the just, speedy, and inexpensive disposition of the actions and the  
6 criteria of 35 U.S.C. § 299 are met. A further case-management conference will be  
7 held after the Court issues its *Markman* order to re-evaluate these dates as necessary.

#### 8 **A. The '466 Patent**

9 MyMedicalRecords has asserted the '466 Patent in all of the related cases.  
10 Because all actions will necessarily require construction of the asserted claims of the  
11 '466 Patent, the Court will issue one claim-construction scheduling order to govern all  
12 of the cases.

13 Unfortunately, the related actions are all at various stages of progression.  
14 Defendant Walgreens has already noticed its *Markman* hearing, while Defendant  
15 WebMD's scheduling conference is not until early 2014. In the interest of judicial  
16 efficiency, the Court sets a scheduling conference for **January 13, 2014 at 1:30 p.m.**  
17 to coordinate the *Markman* hearings. The Court orders MyMedicalRecords and all  
18 Defendants who have answered in these actions to appear at the *Markman* scheduling  
19 conference.

20 The parties shall be prepared at the January 13, 2014 scheduling conference to  
21 propose acceptable dates and discuss case-management options to streamline  
22 *Markman*. To facilitate this discussion, the parties shall collaborate in preparation for  
23 the scheduling conference. The Court will address amending the scheduling orders  
24 already issued to comport with the new *Markman* dates at a later time.

#### 25 **B. The '883 Patent**

26 MyMedicalRecords has also asserted the '883 Patent against Defendants  
27 Allscripts and WebMD. The Court will also issue one claim-construction scheduling  
28 order to govern the construction of the claims of the '883 Patent. WebMD and

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2 Allscripts shall collaborate and be prepared to propose dates and discuss streamlining  
3 *Markman*.

4 **II. Service of This Order**

5 MyMedicalRecords is **ORDERED** to immediately serve a copy of this order on  
6 all Defendants who have not yet filed appearances in the cases (and who therefore  
7 have not received a copy through the CM/ECF system).

8 **III. List of MyMedicalRecords Cases**

- 9  
10 1. 13-cv-00631-ODW-SH *MyMedicalRecords v. Walgreen Co.*  
11 2. 13-cv-02538-ODW-SH *MyMedicalRecords v. Quest Diagnostics., Inc.*  
12 3. 13-cv-03560-ODW-SH *MyMedicalRecords v. Jardogs, LLC*  
13 4. 13-cv-07285-ODW-SH *MyMedicalRecords v. WebMD Health Corp et al.*

14 **IT IS SO ORDERED.**

15 December 9, 2013

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18 **OTIS D. WRIGHT, II**  
19 **UNITED STATES DISTRICT JUDGE**  
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